

RemarksClaim Rejections Under 35 USC § 112

In response to the Examiner's rejection of claim 3, similar amendments have been made to that claim as those made to claim 1 in the previous response. Namely, the word "associating" has been replaced with "storing" and the word "with", on the second line of claim has been amended to read "in".

Claim Rejections Under 35 USC § 103

It is noted that there appears to be a typographical error in the office action:-

at the end of page 2, an incomplete sentence starts with the phrase ". . . Arnold et al discloses a method of transferring computer software code . . ." (emphasis added).

On the following page, the Examiner admits that Arnold ". . . does not specifically disclose storing computer software code in a message . . ." which contradicts the first statement.

As noted in Applicant's response to the office action of 5 March 2003, Arnold merely discloses the passing of data and parameters between a client 302 and a server 316. It does not disclose the transfer of computer software code as the Examiner appears now to acknowledge.

The Examiner also acknowledges that Arnold fails to disclose anything to do with SIP.

The Examiner then turns to RFC 2543 (Handley) which is the standard defining SIP. No reasons are given for modifying Arnold to use SIP for transfer of data. Applicant submits there is no incentive to modify Arnold since it is a complete functioning system and no advantage would be gained by using SIP to replace the complete teaching already provided by Arnold. Indeed it is likely that the skilled artisan would reject the restrictive teachings of a well-defined standard in favor of the unlimited technical scope provided by the skilled artisan designing a bespoke communication protocol as proposed by Arnold.

Thus it is highly questionable whether the combination of Arnold and Handley would ever be made in the mind of the skilled artisan. That would occur only through hindsight with the present application as the guide which, of course, is impermissible.

Furthermore, the Examiner admits that Handley does not disclose the option of carrying computer software code in a SIP message body. The Examiner refers to page 25 of Handley which briefly mentions the option of a message body. However, with reference to section 8 of Handley (on pages 84 and 85) it is clear that a SIP message body is tightly defined as always including information of an advisory or session descriptive nature associated with particular types of request or response message. The types of message content defined in Handley excludes computer software code.

Thus there is a technical prejudice in Handley and in the mind of the skilled artisan against including computer software code in a SIP message body. The Examiner has not provided any justification for overcoming this technical prejudice when seeking to introduce the teaching of a third prior art reference, namely US Patent No. 6636985 (Beyda).

Beyda discloses a system for transmitting composite messages to a plurality of parties and arranging for different members of the recipient set to be able to access different portions of the composite message. Beyda discloses the possibility of transmitting such messages by voicemail, email or (an undefined) multimedia message. It is clear that no computer software code can be transmitted using voicemail and there is no teaching of how any material may be transmitted using a so-called "multi-media message". Thus the only teaching of relevance in Beyda is the possibility of transmitting content using an email system. Thus Beyda adds nothing of relevance to the body of prior art above that already provided by RFC 821 of 1982 which defines SMTP and provides for the possibility of sending email attachments. It is not clear what relevance the transmission of email attachments has to the invention as recited in the claims.

It is noted in passing that the portion of Beyda referred to by the Examiner in column 4 is taken out of context. The Applet or mini-program proposed by Beyda is narrowly defined as being operable to contain "the instructions required for the local processor found at the user stations to determine whether the user has entered the correct password or security code, to determine whether the recipient is to receive an encrypted comment, and to perform the decryption of the encrypted comment". Thus Beyda does not propose generic computer

software code. Rather, Beyda proposes only an embedded decryption algorithm with some form of authentication.

Thus in summary, the disclosure of Arnold fails to disclose SIP or the embedding of computer software code. Handley teaches against the embedding of computer software code in SIP messages. Beyda discloses merely the transmission of encrypted attachments by email. There is no incentive or argument provided by the Examiner to suggest why Arnold would be modified by the inclusion of these two additional teachings.

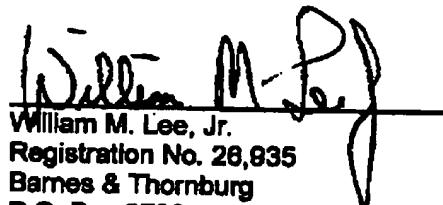
Since all the independent claims recite either the storing of computer software code in a SIP message or operations on such a message, the obviousness rejection of the independent claims is respectfully traversed for at least the above reasons.

The dependent claims are submitted to be non-obvious at least by virtue of their dependencies.

Further and favorable reconsideration is therefore urged.

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Respectfully submitted,



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